

JOURNAL OF THE HOUSE

EIGHTY-EIGHTH SESSION

ELEVENTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Thursday, January 24, 2013

The House convened at 2:00 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Pastor J. P. Mosley, Jr., followed by the Pledge of Allegiance led by House page Brittany Thompson.

Roll Call: All members present.

APPROVAL OF THE JOURNAL

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the tenth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Brian G. Gosch, Chair

Which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on Agriculture and Natural Resources respectfully reports that it has had under consideration HB 1028 and returns the same with the recommendation that said bill do pass and be placed on the consent calendar.

Also MR. SPEAKER:

The Committee on Agriculture and Natural Resources respectfully reports that it has had under consideration HB 1017 and returns the same with the recommendation that said bill be amended as follows:

1017oa

On page 11, after line 4 of the printed bill, insert:

" Section 21. Whereas, this Act is necessary for the immediate preservation of the public peace, health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force and effect on and after April 1, 2013."

1017ota

On page 1, line 2, of the printed bill, after "buyers" insert "and to declare an emergency".

And that as so amended said bill do pass.

Also MR. SPEAKER:

The Committee on Agriculture and Natural Resources respectfully reports that it has had under consideration HB 1007 which was deferred to the 41st Legislative Day.

Respectfully submitted,
Charles B. Hoffman, Chair

Also MR. SPEAKER:

The Committee on Transportation respectfully reports that it has had under consideration HB 1117 and returns the same with the recommendation that said bill do pass and be placed on the consent calendar.

1 Also MR. SPEAKER:

2 The Committee on Transportation respectfully reports that it has had under consideration
3 HB 1118 and returns the same with the recommendation that said bill be amended as follows:

4 1118oa

5 On page 1, line 9, of the printed bill, after "total" insert "service-connected".

6 And that as so amended said bill do pass.

7 Respectfully submitted,
8 Steve Hickey, Vice Chair

9 Also MR. SPEAKER:

10 The Committee on Taxation respectfully reports that it has had under consideration
11 HB 1090 and returns the same with the recommendation that said bill do pass.

12 Also MR. SPEAKER:

13 The Committee on Taxation respectfully reports that it has had under consideration SB 54
14 and returns the same with the recommendation that said bill do pass and be placed on the
15 consent calendar.

16 Respectfully submitted,
17 Brock L. Greenfield, Chair

18 Also MR. SPEAKER:

19 The Committee on Appropriations respectfully reports that it has had under consideration
20 HB 1033, 1038, and 1050 and returns the same with the recommendation that said bills do pass.

21 Also MR. SPEAKER:

22 The Committee on Appropriations respectfully reports that it has had under consideration
23 HB 1014 and returns the same with the recommendation that said bill be amended as follows:

24 1014ma

25 On page 1, after line 14 of the printed bill, insert:

26 " Section 3. The executive director of the Board of Regents shall approve vouchers and the
27 state auditor shall draw warrants to pay expenditures authorized by this Act.

Section 4. Any amounts appropriated in this Act not lawfully expended or obligated by June 30, 2014, shall revert in accordance with the procedures prescribed in chapter 4-8."

And that as so amended said bill do pass.

Respectfully submitted,
Fred W. Romkema, Chair

Also MR. SPEAKER:

The Committee on Health and Human Services respectfully reports that it has had under consideration SB 26 and returns the same with the recommendation that said bill do pass.

Also MR. SPEAKER:

The Committee on Health and Human Services respectfully reports that it has had under consideration SB 46 and returns the same with the recommendation that said bill do pass and be placed on the consent calendar.

Also MR. SPEAKER:

The Committee on Health and Human Services respectfully reports that it has had under consideration HB 1065 which was deferred to the 41st Legislative Day.

Respectfully submitted,
Scott Munsterman, Chair

Also MR. SPEAKER:

The Committee on Local Government respectfully reports that it has had under consideration HB 1069 and returns the same with the recommendation that said bill do pass.

Also MR. SPEAKER:

The Committee on Local Government respectfully reports that it has had under consideration HB 1086 and returns the same with the recommendation that said bill do pass and be placed on the consent calendar.

1 Also MR. SPEAKER:

2 The Committee on Local Government respectfully reports that it has had under
3 consideration HB 1082 and returns the same with the recommendation that said bill be amended
4 as follows:

5 1082fa

6 On page 1, line 6, of the printed bill, after "time" insert ", not to be less than twelve
7 months".

8 And that as so amended said bill do pass and be placed on the consent calendar.

9 Also MR. SPEAKER:

10 The Committee on Local Government respectfully reports that it has had under
11 consideration HB 1077 which was tabled.

12 Also MR. SPEAKER:

13 The Committee on Local Government respectfully reports that it has had under
14 consideration HB 1010 which was deferred to the 41st Legislative Day.

15 Respectfully submitted,
16 Tim Rounds, Chair

17 **MESSAGES FROM THE SENATE**

18 MR. SPEAKER:

19 I have the honor to return herewith HB 1008 and 1009 which have passed the Senate
20 without change.

21 Also MR. SPEAKER:

22 I have the honor to transmit herewith SB 3, 4, 5, 66, and 71 which have passed the Senate
23 and your favorable consideration is respectfully requested.

24 Respectfully,
25 Jeannette Schipper, Secretary

MOTIONS AND RESOLUTIONS

HCR 1003: A CONCURRENT RESOLUTION, Commending the nation of Israel for its cordial relationship with the United States and with the State of South Dakota.

Rep. Wick moved that HCR 1003 as found on page 150 of the House Journal be adopted.

The question being on Rep. Wick's motion that HCR 1003 be adopted.

And the roll being called:

Yeas 70, Nays 0, Excused 0, Absent 0

Yeas:

Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden; Duvall; Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna); Hajek; Hansen; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie); Johns; Kaiser; Killer; Kirschman; Kopp; Latterell; Lust; Magstadt; May; Mickelson; Miller; Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra; Wick; Wink; Wismer; Speaker Gosch

So the motion having received an affirmative vote of a majority of the members-elect, the Speaker declared the motion carried and HCR 1003 was adopted.

Rep. Lust moved that when we adjourn today, we adjourn to convene at 1:00 p.m. on Friday, January 25, the 12th legislative day.

Which motion prevailed.

CONSIDERATION OF REPORTS OF COMMITTEES

Rep. Lust moved that the reports of the Standing Committees on

State Affairs on HB 1075 as found on page 146 of the House Journal; also

State Affairs on HB 1108 as found on page 146 of the House Journal; also

Commerce and Energy on HB 1091 as found on page 147 of the House Journal be adopted.

Which motion prevailed.

1 **FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

2 HB 1177 Introduced by: Representatives Craig, Cammack, Dryden, Qualm, and Schaefer
3 and Senator Jensen

4 FOR AN ACT ENTITLED, An Act to criminalize the failure to return rented or leased
5 property and to provide a penalty therefor.

6 Was read the first time and referred to the Committee on Judiciary.

7 HB 1178 Introduced by: Representatives Munsterman, Cammack, Conzet, Cronin, Duvall,
8 Feickert, Hawley, Hoffman, Kirschman, Parsley, Peterson, Schaefer, Sly, and Wink and
9 Senators Krebs, Frerichs, Hunhoff (Jean), Rave, and Tidemann

10 FOR AN ACT ENTITLED, An Act to appropriate money to the South Dakota Board of
11 Regents - Agricultural Experiment Station to implement a research investment program.

12 Was read the first time and referred to the Committee on Appropriations.

13 HB 1179 Introduced by: Representatives Gibson, Gosch, and Killer and Senators
14 Rampelberg, Bradford, Kirkeby, and Maher

15 FOR AN ACT ENTITLED, An Act to provide for the acceptance of more than one bid for
16 the provision of certain services to cities or counties.

17 Was read the first time and referred to the Committee on Local Government.

18 HB 1180 Introduced by: Representatives Parsley, Bartling, Bolin, Feickert, Feinstein,
19 Gibson, Haggard (Don), Hansen, Hawks, Hawley, Hoffman, Hunhoff (Bernie), Kirschman,
20 Miller, Munsterman, Nelson, Peterson, Ring, Schrempp, Soli, Tyler, Werner, and Wink and
21 Senators Frerichs, Bradford, Brown, Buhl, Johnston, Jones, Kirkeby, Lucas, Olson (Russell),
22 Otten (Ernie), Rhoden, Tieszen, Vehle, and Welke

23 FOR AN ACT ENTITLED, An Act to allow veterans to receive credit for certain military
24 training and experience.

25 Was read the first time and referred to the Committee on State Affairs.

26 HB 1181 Introduced by: Representatives Hoffman, Feickert, and Schaefer and Senators
27 Krebs and Frerichs

28 FOR AN ACT ENTITLED, An Act to enhance animal and livestock sustainability.

1 Was read the first time and referred to the Committee on Agriculture and Natural
2 Resources.

3 HB 1182 Introduced by: Representatives Schrempp, Feickert, Feinstein, Hawks,
4 Kirschman, Kopp, Olson (Betty), and Tyler and Senators Monroe, Begalka, Frerichs, Kirkeby,
5 and Sutton

6 FOR AN ACT ENTITLED, An Act to provide for the licensure and regulation of private
7 detectives.

8 Was read the first time and referred to the Committee on Commerce and Energy.

9 HB 1183 Introduced by: Representatives Sly, Hawks, Lust, Magstadt, May, Munsterman,
10 Rasmussen, Rozum, Tulson, Tyler, and Verchio and Senators Maher, Adelstein, Buhl, Holien,
11 Johnston, Kirkeby, Lucas, Rave, and Tieszen

12 FOR AN ACT ENTITLED, An Act to establish a pilot program that uses home-based
13 educational technology to prepare certain preschool children for school.

14 Was read the first time and referred to the Committee on Education.

15 HB 1184 Introduced by: The Committee on Appropriations at the request of the Office of
16 the Governor

17 FOR AN ACT ENTITLED, An Act to make an appropriation to the Department of Game,
18 Fish and Parks to fund certain improvements to the state park system.

19 Was read the first time and referred to the Committee on Appropriations.

20 HB 1185 Introduced by: The Committee on Appropriations

21 FOR AN ACT ENTITLED, An Act to appropriate money for the ordinary expenses of the
22 legislative, judicial, and executive departments of the state, the expenses of state institutions,
23 interest on the public debt, and for common schools.

24 Was read the first time and referred to the Committee on Appropriations.

25 **FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS**

26 SB 3: FOR AN ACT ENTITLED, An Act to require the reporting of the outcomes of
27 certain licensure and certification examinations.

1 Was read the first time and referred to the Committee on State Affairs.

2 SB 4: FOR AN ACT ENTITLED, An Act to require the Department of Labor and
3 Regulation to determine certain job placement outcomes for graduates of all public
4 postsecondary education institutions in the state.

5 Was read the first time and referred to the Committee on State Affairs.

6 SB 5: FOR AN ACT ENTITLED, An Act to establish the public purpose and goals of
7 postsecondary education, to provide for the funding of higher education, and to create the
8 Council on Higher Education Policy Goals, Performance, and Accountability.

9 Was read the first time and referred to the Committee on State Affairs.

10 SB 66: FOR AN ACT ENTITLED, An Act to revise the style and form of certain
11 provisions, to amend certain provisions to streamline and clarify, and to repeal certain obsolete
12 and unnecessary provisions pertaining to the Real Estate Commission.

13 Was read the first time and referred to the Committee on Commerce and Energy.

14 SB 71: FOR AN ACT ENTITLED, An Act to correct the name of a postsecondary
15 institution authorized to provide educational programs in South Dakota.

16 Was read the first time and referred to the Committee on Education.

17 **SECOND READING OF CONSENT CALENDAR ITEMS**

18 HB 1034: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
19 procedure for setting petroleum examination and testing specifications and methods.

20 Was read the second time.

21 The question being "Shall HB 1034 pass?"

22 And the roll being called:

23 Yeas 70, Nays 0, Excused 0, Absent 0

1 Yeas:

2 Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden; Duvall;
3 Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna);
4 Hajek; Hansen; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff
5 (Bernie); Johns; Kaiser; Killer; Kirschman; Kopp; Latterell; Lust; Magstadt; May; Mickelson;
6 Miller; Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley;
7 Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish;
8 Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra;
9 Wick; Wink; Wismer; Speaker Gosch

10 So the bill having received an affirmative vote of a majority of the members-elect, the
11 Speaker declared the bill passed and the title was agreed to.

12 SB 63: FOR AN ACT ENTITLED, An Act to revise certain requirements for certified
13 public accountant firms licensed in South Dakota.

14 Was read the second time.

15 The question being "Shall SB 63 pass?"

16 And the roll being called:

17 Yeas 70, Nays 0, Excused 0, Absent 0

18 Yeas:

19 Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden; Duvall;
20 Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna);
21 Hajek; Hansen; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff
22 (Bernie); Johns; Kaiser; Killer; Kirschman; Kopp; Latterell; Lust; Magstadt; May; Mickelson;
23 Miller; Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley;
24 Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish;
25 Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra;
26 Wick; Wink; Wismer; Speaker Gosch

27 So the bill having received an affirmative vote of a majority of the members-elect, the
28 Speaker declared the bill passed and the title was agreed to.

29 **SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

30 HB 1079: FOR AN ACT ENTITLED, An Act to increase the fee for certain property tax
31 deeds.

32 Was read the second time.

1 The question being "Shall HB 1079 pass?"

2 And the roll being called:

3 Yeas 63, Nays 7, Excused 0, Absent 0

4 Yeas:

5 Bartling; Bolin; Cammack; Carson; Conzet; Craig; Cronin; Dryden; Duvall; Ecklund; Erickson;
6 Feickert; Feinstein; Gibson; Haggar (Don); Haggar (Jenna); Hajek; Hansen; Hawks; Hawley;
7 Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie); Johns; Kaiser; Killer;
8 Kirschman; Lust; Magstadt; May; Mickelson; Miller; Munsterman; Novstrup (David); Olson
9 (Betty); Otten (Herman); Parsley; Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds;
10 Rozum; Schaefer; Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson;
11 Tyler; Werner; Westra; Wick; Wink; Wismer; Speaker Gosch

12 Nays:

13 Campbell; Greenfield; Kopp; Latterell; Nelson; Russell; Verchio

14 So the bill having received an affirmative vote of a majority of the members-elect, the
15 Speaker declared the bill passed and the title was agreed to.

16 HB 1004: FOR AN ACT ENTITLED, An Act to provide for the award of treble damages
17 in certain surface depredation cases.

18 Was read the second time.

19 The question being "Shall HB 1004 pass as amended?"

20 And the roll being called:

21 Yeas 66, Nays 4, Excused 0, Absent 0

22 Yeas:

23 Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden; Duvall;
24 Ecklund; Erickson; Feickert; Feinstein; Gibson; Haggar (Don); Haggar (Jenna); Hajek; Hansen;
25 Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie); Johns;
26 Kaiser; Killer; Kirschman; Kopp; Magstadt; May; Mickelson; Miller; Munsterman; Nelson;
27 Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson; Qualm; Rasmussen; Ring;
28 Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish; Schrempp; Sly; Soli; Solum;
29 Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra; Wick; Wink; Wismer

30 Nays:

31 Greenfield; Latterell; Lust; Speaker Gosch

32 So the bill having received an affirmative vote of a majority of the members-elect, the
33 Speaker declared the bill passed and the title was agreed to.

1 HB 1110: FOR AN ACT ENTITLED, An Act to provide for openness in certain electronic
2 records databases and to open certain information regarding electronic record systems.

3 Was read the second time.

4 The question being "Shall HB 1110 pass?"

5 And the roll being called:

6 Yeas 70, Nays 0, Excused 0, Absent 0

7 Yeas:

8 Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden; Duvall;
9 Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna);
10 Hajek; Hansen; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff
11 (Bernie); Johns; Kaiser; Killer; Kirschman; Kopp; Latterell; Lust; Magstadt; May; Mickelson;
12 Miller; Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley;
13 Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish;
14 Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra;
15 Wick; Wink; Wismer; Speaker Gosch

16 So the bill having received an affirmative vote of a majority of the members-elect, the
17 Speaker declared the bill passed and the title was agreed to.

18 HB 1112: FOR AN ACT ENTITLED, An Act to clarify the application of certain open
19 meetings provisions to certain three-member public boards.

20 Was read the second time.

21 The question being "Shall HB 1112 pass?"

22 And the roll being called:

23 Yeas 56, Nays 14, Excused 0, Absent 0

24 Yeas:

25 Bolin; Cammack; Conzet; Craig; Cronin; Dryden; Duvall; Erickson; Feickert; Greenfield;
26 Haggar (Don); Haggar (Jenna); Hajek; Hansen; Hawks; Hawley; Heinemann (Leslie); Heinert;
27 Hickey; Hoffman; Hunhoff (Bernie); Johns; Kaiser; Kirschman; Latterell; Lust; Magstadt; May;
28 Mickelson; Miller; Munsterman; Novstrup (David); Olson (Betty); Parsley; Peterson; Qualm;
29 Rasmussen; Ring; Romkema; Rounds; Rozum; Schaefer; Schoenfish; Schrempp; Sly; Solum;
30 Steele; Stevens; Tulson; Verchio; Werner; Westra; Wick; Wink; Wismer; Speaker Gosch

31 Nays:

32 Bartling; Campbell; Carson; Ecklund; Feinstein; Gibson; Killer; Kopp; Nelson; Otten (Herman);
33 Russell; Soli; Stalzer; Tyler

1 So the bill having received an affirmative vote of a majority of the members-elect, the
2 Speaker declared the bill passed and the title was agreed to.

3 HB 1074: FOR AN ACT ENTITLED, An Act to define the insurer's responsibilities
4 concerning health insurance policies for newborns or newly adopted children.

5 Was read the second time.

6 The question being "Shall HB 1074 pass?"

7 And the roll being called:

8 Yeas 66, Nays 3, Excused 1, Absent 0

9 Yeas:

10 Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden; Duvall;
11 Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna);
12 Hajek; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie);
13 Johns; Killer; Kirschman; Kopp; Latterell; Lust; Magstadt; Mickelson; Miller; Munsterman;
14 Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson; Qualm; Rasmussen; Ring;
15 Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish; Schrempp; Sly; Soli; Solum;
16 Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra; Wick; Wink; Wismer;
17 Speaker Gosch

18 Nays:

19 Kaiser; May; Nelson

20 Excused:

21 Hansen

22 So the bill having received an affirmative vote of a majority of the members-elect, the
23 Speaker declared the bill passed and the title was agreed to.

24 **SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS**

25 Rep. Lust moved that SB 37 be deferred to Friday, January 25, the 12th legislative day.

26 Which motion prevailed.

27 There being no objection, the House reverted to Order of Business No. 5.

REPORTS OF STANDING COMMITTEES

Also MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and Enrolling has carefully compared HB 1008 and 1009 and finds the same correctly enrolled.

Respectfully submitted,
Brian G. Gosch, Chair

SIGNING OF BILLS

The Speaker publicly read the title to

HB 1008: FOR AN ACT ENTITLED, An Act to codify legislation enacted in 2012.

HB 1009: FOR AN ACT ENTITLED, An Act to correct an error in the recreational vehicle title statute.

And signed the same in the presence of the House.

Rep. Steele moved that the House do now adjourn, which motion prevailed and at 2:37 p.m. the House adjourned.

Arlene Kvislen, Chief Clerk